

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH AND GAME**

**Call to Order:** Chairman Gregory D. Barkus, on February 19, 2009  
at 3:00 P.M., in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Gregory D. Barkus, Chairman (R)  
Sen. John Brenden, Vice Chairman (R)  
Sen. Joe Balyeat (R)  
Sen. Debby Barrett (R)  
Sen. Joseph (Joe) Tropila (D)

##### **Members Excused:**

Sen. Steven Gallus (D)  
Sen. Larry Jent (D)  
Sen. Trudi Schmidt (D)  
Sen. Jim Shockley (R)

**Members Absent:** None

**Staff Present:** Prudence Gildroy, Committee Secretary  
Hope Stockwell, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 425, 2/16/2009; SB 183,  
2/16/2009; SB 436, 2/16/2009; SB  
470, 2/16/2009

Executive Action: SB 470; SB 436; SB 183; SB 425

00:00:01 Sen. Barkus

**HEARING ON SB 425**

**Opening Statement by Sponsor:**

00:01:00 Sen. Keith Bales (R), SD 20, opened the hearing on SB 425, Revise laws governing funding and operation of Fort Peck fish hatchery.

**EXHIBIT(fis39a01)**

00:06:53 Sen. Gallus now present

00:07:35 Sen. Barkus

**Proponents' Testimony:**

00:08:08 Chris Smith, Deputy Director, Fish, Wildlife and Parks (FWP)

**EXHIBIT(fis39a02)**

00:11:38 Sen. Shockley and Sen. Schmidt now present

00:12:05 Bob Gilbert, Executive Director, Walleyes Unlimited of Montana

00:14:00 Paul Jarvis, CEO, DeVine Industries, LLC, Aquaculture Consulting

**EXHIBIT(fis39a03)**

00:18:59 Carl Seilstad, Past President, Walleyes Unlimited

00:20:57 Charles Bocock, Great Falls

00:22:44 Mike Newton, State President, Walleyes Unlimited

00:23:38 Bob Klein, President, Billings Chapter Walleyes Unlimited

**EXHIBIT(fis39a04)**

**EXHIBIT(fis39a05)**

00:25:10 Tom Reiter, Montana Pikemasters

**Opponents' Testimony:**

00:27:13 Mark Aegenes, Trout Unlimited

00:36:55 Sen. Barkus

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:37:10 Sen. Schmidt  
00:37:37 Mr. Gilbert  
00:38:17 Sen. Balyeat  
00:39:09 Mr. Smith  
00:39:40 Sen. Balyeat  
00:40:03 Mr. Smith  
00:40:27 Sen. Barkus  
00:40:29 Sen. Schmidt  
00:41:03 Sen. Bales  
00:42:13 Sen. Schmidt  
00:42:28 Sen. Bales  
00:43:36 Sen. Barkus  
00:43:38 Sen. Barrett  
00:44:04 Mr. Smith  
00:44:48 Sen. Barrett  
00:44:51 Sen. Barkus  
00:45:09 Mr. Smith  
00:46:12 Sen. Barkus  
00:46:31 Mr. Smith  
00:46:55 Sen. Barkus  
00:46:57 Sen. Shockley  
00:47:18 Mr. Gilbert  
00:47:39 Sen. Shockley  
00:47:41 Sen. Barkus

**Closing by Sponsor:**

00:47:52 Sen. Bales  
00:50:08 Sen. Barkus

**HEARING ON SB 183**

**Opening Statement by Sponsor:**

00:53:22 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 183, Revise wolf policy.

[EXHIBIT\(fis39a06\)](#)

[EXHIBIT\(fis39a07\)](#)

[EXHIBIT\(fis39a08\)](#)

[EXHIBIT\(fis39a09\)](#)

[EXHIBIT\(fis39a10\)](#)

01:08:43 Sen. Barkus left the room.  
01:09:11 Sen. Brenden

**Proponents' Testimony:**

01:10:04 Gary Marbut, Montana Shooting Sports Association

01:15:27 Sen. Gallus left the room.

[EXHIBIT\(fis39a11\)](#)

[EXHIBIT\(fis39a12\)](#)

01:17:52 Sen. Brenden

01:18:08 Caleb Hinkle

01:20:28 Garrett Bacon

01:21:41 Tim Ravndal, Montana Multiple Use Association and  
Stewards of the Range

01:22:32 Sen. Gallus is now present. Sen. Shockley left the  
room.

01:23:43 Tom Opre

01:25:04 Sen. Brenden

01:25:34 Dave Skinner

01:27:21 Doug Nulle

01:28:06 Sen. Brenden

01:33:22 Sen. Balyeat

(Note: Sen. Balyeat showed a short film)

**Opponents' Testimony:**

01:34:00 Norman Bishop

01:37:04 Sen. Shockley is now present.

01:38:03 Chris Smith, Deputy Director, Fish, Wildlife and Parks  
(FWP)

[EXHIBIT\(fis39a13\)](#)

01:43:13 Ken Swane

01:47:06 Sen. Brenden

Sen. Barkus now present

01:47:12 Joe Gutkoski, President, Yellowstone Bison Foundation

01:49:08 Sen. Brendan

01:49:12 Chris Tweeten, Office of the Attorney General

01:52:28 Sen. Brenden

01:52:56 Kim Baker, Montana Cattlemen's Association

01:53:50 Sen. Brendan

01:53:56 Robin Hompesch, Montana Wolf Management Council

01:55:30 Sen. Brendan

01:55:31 Ben Lamb, Montana Wildlife Federation

01:56:06 Jean Johnson, Montana Outfitters and Guides Association

[EXHIBIT\(fis39a14\)](#)

01:57:28 Aerick Reilly, Montana Woolgrowers Association

01:57:58 Becky Weed, Montana Board of Livestock

01:59:03 Mariah Bauman, Montana Farm Bureau

01:59:33 Barb Cestero, Greater Yellowstone Coalition

02:00:09 Sen. Brendan

**Informational Testimony:**

02:00:20 George Harris, Department of Livestock

**Questions from Committee Members and Responses:**

02:00:59 Sen. Shockley  
02:01:27 Mr. Marbut  
02:02:06 Sen. Shockley  
02:02:18 Mr. Marbut  
02:02:59 Sen. Shockley  
02:03:14 Mr. Tweeten  
02:03:25 Sen. Shockley  
02:03:37 Mr. Tweeten  
02:04:37 Sen. Shockley  
02:04:53 Mr. Tweeten  
02:05:07 Sen. Shockley  
02:05:10 Mr. Tweeten  
02:05:20 Sen. Shockley  
02:05:44 Mr. Smith  
02:06:06 Sen. Shockley  
02:06:14 Mr. Smith  
02:06:28 Sen. Shockley  
02:06:30 Mr. Smith  
02:06:46 Sen. Shockley  
02:06:49 Mr. Smith  
02:07:01 Sen. Shockley  
02:07:24 Mr. Smith  
02:08:36 Sen. Shockley  
02:08:46 Sen. Brendan  
02:08:50 Sen. Barrett  
02:09:27 Mr. Tweeten  
02:09:35 Sen. Barrett  
02:11:02 Mr. Smith  
02:11:09 Sen. Barrett  
02:11:22 Mr. Smith  
02:11:37 Sen. Barrett  
02:11:40 Mr. Harris  
02:12:17 Sen. Brendan

**Closing by Sponsor:**

02:12:28 Sen. Balyeat

**HEARING ON SB 436**

**Opening Statement by Sponsor:**

02:23:00 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 436, Nonresident outfitter-sponsored antelope license.

02:24:05 Sen. Schmidt left the room.

**Proponents' Testimony:**

02:25:08 Jean Johnson, Montana Outfitters and Guides Association

02:28:45 Sen. Brendan

**Opponents' Testimony:**

02:28:54 George Golie, Montana Wildlife Federation

02:31:28 Sen. Brendan  
Sen. Schmidt is now present.

**Informational Testimony:**

02:31:35 Hank Worsech, FWP

**Questions from Committee Members and Responses:**

02:33:11 Sen. Tropila

02:33:28 Mr. Worsech

02:33:38 Sen. Brendan

**Closing by Sponsor:**

02:33:55 Sen. Gallus

02:35:06 Sen. Brendan

**HEARING ON SB 470**

**Opening Statement by Sponsor:**

02:35:27 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 470, Revise laws related to time limits on use of mountain sheep licenses.

**Proponents' Testimony:**

02:37:55 Andrew Hanson  
02:42:29 Sen. Tropila is now present.  
02:43:43 Sen. Brendan

**Opponents' Testimony:**

None

**Informational Testimony:**

02:44:18 Joe Maurier, Acting Director, FWP  
[EXHIBIT\(fis39a15\)](#)

02:46:11 Sen. Brendan

**Questions from Committee Members and Responses:**

02:46:17 Sen. Balyeat  
02:47:20 Mr. Hanson  
02:47:27 Sen. Balyeat  
02:48:20 Mr. Worsch  
02:48:44 Sen. Balyeat  
02:48:59 Mr. Worsch  
02:49:18 Sen. Balyeat  
02:49:50 Mr. Worsch  
02:49:57 Sen. Balyeat  
02:50:06 Mr. Worsch  
02:50:22 Mr. Smith  
02:50:38 Sen. Balyeat  
02:50:40 Mr. Smith

02:50:50 Sen. Brendan

**Closing by Sponsor:**

02:50:54 Sen. Gallus

**EXECUTIVE ACTION ON SB 470**

02:51:28 **Motion:** Sen. Shockley moved that **SB 470 DO PASS.**

**Discussion:**

02:51:44 Sen. Balyeat  
02:52:30 Hope Stockwell, Legislative Services Division (LSD)  
02:52:59 Sen. Brendan

02:53:13 Sen. Shockley

02:53:14 Sen. Gallus

02:53:24 **Vote:** Motion carried 9-0 by voice vote. Sen. Jent  
voted by proxy.

**EXECUTIVE ACTION ON SB 436**

02:53:44 **Motion:** Sen. Shockley moved that **SB 436 DO PASS.**

**Discussion:**

02:54:05 Sen. Barrett

02:54:23 Sen. Barkus

02:54:30 Sen. Balyeat

02:55:30 Sen. Gallus

02:56:19 Sen. Brendan

02:56:35 Sen. Balyeat

02:56:45 Sen. Barkus

02:56:49 **Vote:** Motion carried 7-2 by voice vote with Sen. Jent  
and Sen. Tropila voting no. Sen. Jent voted by proxy.

**EXECUTIVE ACTION ON SB 183**

02:57:17 **Motion:** Sen. Balyeat moved that **SB 183 DO PASS.**

02:57:29 **Motion/Vote:** Sen. Balyeat moved that **SB 183 BE  
AMENDED.** Motion carried unanimously. Sen. Jent voted by  
proxy.

**EXHIBIT(fis39a16)**

02:58:37 **Motion/Vote:** Sen. Balyeat moved that **SB 183 BE  
AMENDED.** Motion carried unanimously. Sen. Jent voted by  
proxy.

**EXHIBIT(fis39a17)**

02:59:40 **Motion:** Sen. Balyeat moved that **SB 183 BE AMENDED.**

**EXHIBIT(fis39a18)**

**Discussion:**

03:00:16 Sen. Shockley

03:00:26 Sen. Barkus

03:00:29 Sen. Balyeat

03:00:50 Sen. Barkus

03:01:02 Ms. Stockwell, LSD



03:01:12 **Vote:** Motion carried 7-2 by voice vote with Sen. Jent and Sen. Tropila voting no. Sen. Jent voted by proxy.

03:01:47 Ms. Stockwell, LSD

03:02:41 **Motion:** Sen. Balyeat moved that **SB 183 BE AMENDED** conceptually.

**Discussion:**

03:02:58 Sen. Balyeat

03:03:14 Sen. Barkus

03:03:18 **Vote:** Motion carried 9-0 by voice vote. Sen. Jent voted by proxy.

03:03:28 **Motion:** Sen. Balyeat moved that **SB 183 DO PASS AS AMENDED.**

**Discussion:**

03:03:43 Sen. Balyeat

03:05:36 Sen. Barkus

03:05:39 Sen. Shockley

03:06:06 Mr. Smith

03:06:07 Sen. Shockley

03:06:24 Mr. Smith

03:07:05 Sen. Shockley

03:07:15 Sen. Balyeat

03:08:03 Sen. Barkus

03:08:11 Sen. Barrett

03:10:20 Sen. Barkus

03:10:30 Sen. Balyeat

03:11:39 Sen. Barkus

03:11:46 **Vote:** Motion carried 5-4 by roll call vote with Sen. Gallus, Sen. Jent, Sen. Schmidt, and Sen. Tropila voting no. Sen. Jent voted by proxy.

**EXECUTIVE ACTION ON SB 425**

03:12:56 **Motion:** Sen. Tropila moved that **SB 425 DO PASS.**

03:13:09 **Motion:** Sen. Tropila moved that **SB 425 BE AMENDED.**  
**EXHIBIT**(fis39a19)

**Discussion:**

03:14:20 Sen. Barkus  
03:14:25 Sen. Tropila  
03:14:59 Sen. Gallus  
03:15:28 Sen. Barkus  
03:15:36 Sen. Shockley

03:15:44 **Vote:** Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

03:16:07 **Motion:** Sen. Shockley moved that **SB 183 DO PASS AS AMENDED.**

03:16:11 Chairman Barkus asked for more amendments.  
03:16:18 Ms. Stockwell, LSD  
03:16:36 Sen. Shockley

03:17:19 **Motion/Vote:** Sen. Tropila moved that **SB 425 BE AMENDED.** Motion carried 8-1 by voice vote with Sen. Balyeat voting no. Sen. Jent voted by proxy.

**EXHIBIT (fis39a20)**

03:17:44 Sen. Balyeat requested discussion on the previous amendment.  
03:18:20 Sen. Tropila withdrew his call for the question for purpose of discussion, which resulted in a re-vote on the motion to amend (Exhibit 20).

**Discussion:**

03:18:22 Sen. Balyeat  
03:18:56 Sen. Tropila

03:18:57 **Vote:** Motion failed 1-8 by voice vote with Sen. Brenden voting aye. Sen. Jent voted no by proxy. (Following discussion Sen. Jent's original vote was reversed from yes to no.)

03:20:26 **Motion:** Sen. Tropila moved that **SB 425 BE AMENDED.**  
**EXHIBIT (fis39a21)**

**Discussion:**

03:20:44 Sen. Balyeat  
03:21:06 Sen. Barkus  
03:21:07 Sen. Shockley  
03:21:23 Sen. Brendan  
03:21:45 Sen. Barkus  
03:21:50 Sen. Barrett  
03:22:30 Sen. Barkus

03:22:35 **Vote:** Motion failed 4-5 by roll call vote with Sen. Brenden, Sen. Jent, Sen. Shockley, and Sen. Tropila voting aye.

03:23:51 **Motion/Vote:** Sen. Barrett moved that **SB 425 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

**EXHIBIT**(fis39a22)

03:24:23 **Motion:** Sen. Balyeat moved that **SB 425 DO PASS AS AMENDED**.

**Discussion:**

03:24:45 Sen. Barkus

03:25:07 **Vote:** Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

03:25:19 Sen. Barkus

**ADJOURNMENT**

Adjournment: 6:25 P.M.

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Prudence Gildroy, Secretary

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Additional Documents:

**EXHIBIT ([fis39aad.pdf](#))**